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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,668	02/26/2002	Scott R. Gremmert	H0002146	8676

128 7590 05/13/2005

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EXAMINER
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AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,668

Applicant(s)

GREMMERT ET AL.

Examiner

Wayne Amsbury

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

CLAIMS 1-18 AND 22-26 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1-18 and 22-26 are rejected under 35 U.S.C. 112, first paragraph**, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims specify ***only terrain elevation information***. This limitation does not appear in the Disclosure. In particular, the ABSTRACT specifies: ***terrain elevation and other geographical, political, and industrial feature data (terrain data)***. Thus this negative limitation constitutes new matter. Thus this particular limitation is given no patentable weight.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2161

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-18 and 2-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Lancaster et al (Lancaster), US 6,229,546, 8 May 2001.**

Lancaster is related to rapid generation of a terrain model [COL 1 line 65 to COL 2 line 5].

As to **claim 1**:

*A method of providing terrain elevation information to multiple users*

Lancaster teaches the use of a method directed to elevation data available over the Web [COL 2 lines 6-15; COL 3 lines 13-26].

*receiving a request at a server for only terrain elevation information from one of multiple requestor devices remotely located from the server;*

*extracting requested terrain elevation information from a database of terrain data, the database being associated with the server*

It is elevation data that is extracted in response to a request [COL 2 lines 6-15], although it may be combined with other data [COL 3 lines 16-24].

*transforming the extracted terrain elevation information to a format identified in the request*

Lancaster transforms the extracted terrain data into an intermediate format extracted from the user query [COL 2 lines 10-15].

*sending the formatted terrain elevation information to one of multiple requester device [sic].*

The response to the query can be stored as specified by the requestor [COL 3 lines 53-59].

As to **claim 2**, the user control of at least vertical exaggeration [COL 3 line 49] and geographical corner bounds [COL 3 lines 44-45] corresponds to scaling the extracted terrain elevation information.

As to **claim 3**, the user is provided the option of interactively customizing such parameters as the geographical extents and the application of bitmap overlays and terrain skins [COL 8 lines 19-47], which corresponds to modifying an orientation.

As to **claim 4**, Lancaster allows the user to specify parameters including location, size, resolution and type of terrain data required [COL 3 lines 40-45].

As to **claim 5**, the elements noted above correspond to process control criteria, as does the ability to merge any bitmap file at the users discretion [COL 3 lines 49-52], and to navigate among source documents including web sites [COL 3 lines 13-27].

As to **claim 6**, the user can at least route the response to a particular storage path [COL 3 lines 53-59].

As to **claim 7**, Lancaster teaches the use of multiple source files [COL 7 lines 39-53], as well as merging a bitmap overlay as noted above. The process of combining data sources inherently requires comparisons, at least in order to align them. The claim does not specify any result of comparison, and thus this corresponds to the comparison of the claims.

The elements of **claims 8-18 and 22-26** are rejected in the analysis above and these claims are rejected on that basis.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER